

EXHIBIT A

Volume 1

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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

Before the Honorable William H. Orrick, Judge

IN RE: JUUL LABS, INC.,)
MARKETING, SALES PRACTICES,) NO. 19-MD-02913 WHO
AND PRODUCTS LIABILITY)
LITIGATION.)
_____)

San Francisco, California
Friday, April 21, 2023

TRANSCRIPT OF JURY TRIAL PROCEEDINGS

APPEARANCES:

For Plaintiffs:

LIEFF, CABRASER, HEIMANN & BERNSTEIN
275 Battery Street, 29th Floor
San Francisco, California 94111-3339

BY: SARAH R. LONDON, ATTORNEY AT LAW
CAITLIN NELSON, ATTORNEY AT LAW

GIRARD SHARP
601 California Street, Suite 1400
San Francisco, California 94108

BY: DENA C. SHARP, ATTORNEY AT LAW

WAGSTAFF & CARTMELL LLP
4740 Grand Avenue, Suite 300
Kansas City, Missouri 64112

BY: THOMAS P. CARTMELL, ATTORNEY AT LAW

(APPEARANCES CONTINUED ON FOLLOWING PAGE)

REPORTED BY: Ana Dub, RMR, RDR, CRR, CCRR, CRG, CCG
CSR 7445, Federal Official Court Reporter

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1 And I just wanted to follow up on that and just ask you more
2 about what you thought about that.

3 **PROSPECTIVE JUROR NUMBER 17:** Well, again, from the
4 media and from the recent recall of the two board of
5 supervisors, which I voted to recall, so I just felt that the
6 board was losing the forest for the trees and not focusing on
7 the here and now that we needed during the COVID pandemic
8 around delivering all the resources into getting the kids in
9 school.

10 And, again, from the media, I didn't know any personally,
11 but that's -- that was the issue that is top of mind.

12 I have some friends who have or have been teachers.
13 Things ebb and flow. They love their job. They complain about
14 this. But that was the biggest issue that I saw at the top
15 level.

16 **MS. LONDON:** Okay. And I just want to follow up on
17 that. So, I mean, given some of the concerns that you have or
18 have had in the past about the School District, do you have any
19 concerns about potentially being asked to award the School
20 District millions and millions of dollars to do with what they
21 want?

22 **PROSPECTIVE JUROR NUMBER 17:** I have no concerns. We
23 vote out the people we don't like. So get the right people in
24 working with the money, so...

25 **MS. LONDON:** Okay. And then I also noticed in your

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1 questionnaire that you noted that you agreed that most lawsuits
2 are about looking for deep pockets. And as you can understand,
3 one of the -- the defendant here has deep pockets. Do you
4 start out thinking that that's really what this case is about?

5 **PROSPECTIVE JUROR NUMBER 17:** No, I don't.

6 Part of the issue I have with the questionnaire, which I'm
7 sure it's designed that way, is you can never get to middle
8 ground on anything. You either had to agree or disagree. You
9 couldn't say I'm neutral. So it forced me into, you know, is
10 most 51 percent sort of thing.

11 So I don't think everyone is like that. I think there are
12 a lot of people who take advantage of deep pockets. But, I
13 mean, I have no problem looking at the facts in this case and
14 deciding.

15 **MS. LONDON:** So you're not sitting here thinking
16 that's really what's going on?

17 **PROSPECTIVE JUROR NUMBER 17:** No, no, not at all. I
18 figured the School District has a lot of things to do, and so
19 I'm not sure that they would spend a lot of time on
20 nefarious -- just going after people for deep pockets. It
21 might enter their mind, but it must cost a lot to do this,
22 so...

23 **MS. LONDON:** Okay. Well, thank you. I appreciate
24 your responses.

25 **PROSPECTIVE JUROR NUMBER 17:** Mm-hmm.

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1 **MS. WILKINSON:** Okay. Thank you.

2 **THE COURT:** Thank you.

3 **PROSPECTIVE JUROR NUMBER 23:** Yeah.

4 **THE COURT:** Come back at please, 12:30.

5 **PROSPECTIVE JUROR NUMBER 23:** 12:30? Okay.

6 **THE COURT:** Yeah.

7 (Prospective Juror Number 23 exits the courtroom.)

8 **THE COURT:** Number 24, I think.

9 (Prospective Juror Number 24 enters the courtroom.)

10 **THE COURT:** Good afternoon.

11 **PROSPECTIVE JUROR NUMBER 24:** Hello.

12 **THE COURT:** So tell me what you do.

13 **PROSPECTIVE JUROR NUMBER 24:** I'm employed by the
14 University of California at the Berkeley campus, and I'm a
15 project manager in capital projects. So we manage construction
16 and design projects on campus.

17 **THE COURT:** What's going on right now?

18 **PROSPECTIVE JUROR NUMBER 24:** Lots of stuff. There's
19 a groundbreaking today for an engineering building that we're
20 doing that I'm involved with, and then lots of little stuff.
21 Lots of stuff always going on there.

22 **THE COURT:** Do you enjoy that job?

23 **PROSPECTIVE JUROR NUMBER 24:** I do, yeah. Very
24 engaging.

25 **THE COURT:** So you indicated on your survey that you

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1 had a negative view with respect to Altria because they sell
2 tobacco products. And you indicated a positive view of the
3 School District.

4 And so it leads to the obvious question. Given that, if
5 you were sitting on the jury, would the School District start
6 with some even slight advantage in the way that you would think
7 about the issues and the evidence in the case?

8 **PROSPECTIVE JUROR NUMBER 24:** I am not going to
9 discount any kind of bias that I have, but I do think I'd be
10 impartial. I think I can disassociate those personal views
11 from the instructions that you give and the evidence.

12 **THE COURT:** Okay. Well, it is important to identify
13 the bias.

14 How would you describe the bias? What do you think about
15 with respect to tobacco companies and tobacco products?

16 **PROSPECTIVE JUROR NUMBER 24:** I think that the tobacco
17 companies are selling a product that's harmful, that's been --
18 there's lots of statistical evidence that it's harmful. And so
19 that would sort of tend to bias me, I guess, if I was biased.

20 **THE COURT:** Okay. And then how about your feelings
21 for the School District? It's always a pleasure to see people
22 who have positive as well as negative feelings about public
23 school. What's the basis of your positive view?

24 **PROSPECTIVE JUROR NUMBER 24:** Well, I'm a supporter of
25 public education. I believe in it. I went to Oakland public

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1 schools. I work for a State school system. I think it's
2 important work that they do. And that's why I have positive
3 feelings about them.

4 **THE COURT:** Okay. And so let me just drill into the
5 real -- the question. Would you -- what these lawyers want,
6 what these parties want is a jury that is completely fair and
7 impartial.

8 **PROSPECTIVE JUROR NUMBER 24:** Yes.

9 **THE COURT:** And if you were seated on this jury, would
10 they get that from you?

11 **PROSPECTIVE JUROR NUMBER 24:** Yes, they would.

12 Mm-hmm.

13 **THE COURT:** All right.

14 **PROSPECTIVE JUROR NUMBER 24:** To the best of my
15 ability, I would try to be impartial, absolutely.

16 **THE COURT:** Right. And that's all we can do is to do
17 our best. I wonder whether there's anything lingering in the
18 back of your mind that make you think, well, my best might not
19 actually get me to treat both parties the same way in this
20 case.

21 **PROSPECTIVE JUROR NUMBER 24:** I don't think so.

22 **THE COURT:** Okay.

23 Ms. London, do you have any questions?

24 **MS. LONDON:** Good morning.

25 **PROSPECTIVE JUROR NUMBER 24:** Good morning.

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1 **MS. LONDON:** I wanted to ask you about -- you noted,
2 I believe, your partner smokes. Is that right?

3 **PROSPECTIVE JUROR NUMBER 24:** That's correct.

4 **MS. LONDON:** And I wanted to ask you if there's
5 anything about that personal experience that would make it --
6 that would bear on this case that we should know about.

7 **PROSPECTIVE JUROR NUMBER 24:** I don't believe so. I
8 definitely would like her to stop smoking, and I try to support
9 her in any way I can to do that. But I don't think it would
10 affect me from trying to balance out the evidence or the --
11 what was presented here and sort of follow the judge's
12 instructions. I think I can hold two things at once.
13 Cognitive distance, I guess.

14 **MS. LONDON:** So you can kind of compartmentalize,
15 you know --

16 **PROSPECTIVE JUROR NUMBER 24:** Yes.

17 **MS. LONDON:** -- what you had in your personal
18 experience and some of the life experiences that you've had and
19 feelings you have when you come in and put those to the side?

20 **PROSPECTIVE JUROR NUMBER 24:** Yes, I think I can do
21 that.

22 **MS. LONDON:** Okay. Thank you.

23 **PROSPECTIVE JUROR NUMBER 24:** Mm-hmm.

24 **MS. WILKINSON:** Hello.

25 **PROSPECTIVE JUROR NUMBER 24:** Hello.

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1 **MS. WILKINSON:** You said in your questionnaire that
2 you've been with your partner for 30 years and she's been
3 smoking -- or she's been smoking for 30 years.

4 **PROSPECTIVE JUROR NUMBER 24:** Correct.

5 **MS. WILKINSON:** Maybe you haven't made it to 30 years.
6 Maybe.

7 Okay. And that she tried vaping to quit and it didn't
8 work.

9 **PROSPECTIVE JUROR NUMBER 24:** Yes. She uses a device,
10 not a Juul device, but she uses it occasionally to smoke in
11 settings where it's not allowed to smoke cigarettes, or also
12 when she's in a period of trying to quit smoking, yes.

13 **MS. WILKINSON:** So it's not helping her switch. It's
14 just used more for convenience and when you're not allowed to
15 smoke in a certain area?

16 **PROSPECTIVE JUROR NUMBER 24:** She has used it to try
17 to quit smoking, yeah.

18 **MS. WILKINSON:** And it didn't work?

19 **PROSPECTIVE JUROR NUMBER 24:** Not so far. I'm still
20 working on her.

21 **MS. WILKINSON:** Yeah. That's the right thing to do.

22 In this case, you know, it's all those circumstances that
23 come together that even the most logical person, when you have
24 a very personal experience --

25 **PROSPECTIVE JUROR NUMBER 24:** Sure.

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1 **MS. WILKINSON:** -- plus you have these views, everyone
2 wants to set them aside.

3 But listening to you, you know, you've spent time
4 convincing her to try and protect her health, which is,
5 you know, a big deal when you're living with someone you love
6 and you want them to be healthy.

7 **PROSPECTIVE JUROR NUMBER 24:** Yeah.

8 **MS. WILKINSON:** And so do you really think you can sit
9 in the jury box and you're hearing about vaping and whether it
10 helps people switch and the dangers of smoking and, you know,
11 the alleged dangers of vaping and not, you know, bring some of
12 that personal human emotion? I mean, that's just -- that's
13 human. That's normal.

14 **PROSPECTIVE JUROR NUMBER 24:** Sure. Yeah, I am human,
15 but I do -- I do think I can do that. I think I can. I like
16 to think I can, yes.

17 **MS. WILKINSON:** I know you think you can, and I'm sure
18 you want to because you're a logical person. But, you know, if
19 you were in our place --

20 **PROSPECTIVE JUROR NUMBER 24:** Yeah.

21 **MS. WILKINSON:** -- would you think someone who's had
22 this personal experience and, you know, these strong views --
23 again, totally understandable -- about tobacco and vaping would
24 be the right juror in this case?

25 **PROSPECTIVE JUROR NUMBER 24:** I can't put myself in

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1 your place. I can only tell you how I feel, and I feel like I
2 can hold those two things, you know, separate them and be sort
3 of -- listen to the judge and follow the instructions. So
4 that's all I can tell you.

5 **MS. WILKINSON:** Yeah. That's fair. Thank you.

6 **PROSPECTIVE JUROR NUMBER 24:** Yeah.

7 **THE COURT:** Thanks very much. So come back at about
8 12:30, please. Thank you.

9 (Prospective Juror Number 24 exits the courtroom.)

10 **THE COURT:** 25 is up next, I think.

11 (Prospective Juror Number 25 enters the courtroom.)

12 **THE COURT:** Good afternoon.

13 **PROSPECTIVE JUROR NUMBER 25:** Good afternoon.

14 **THE COURT:** So tell me what you do.

15 **PROSPECTIVE JUROR NUMBER 25:** I work for Toyota
16 Material Handling as a forklift technician.

17 **THE COURT:** And how long have you been doing that?

18 **PROSPECTIVE JUROR NUMBER 25:** Two years.

19 **THE COURT:** So you had expressed -- you said in your
20 survey a couple of times "I am a hundred percent against
21 smoking" and indicated a negative view towards Altria and Juul.

22 And I'm wondering, with a feeling that is a hundred
23 percent that way, and now that you know a little bit more about
24 what this case is about, do you think you could be fair and
25 impartial in this case?

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1 unequivocally multiple times she could set aside -- she did say
2 unequivocally -- her concern was about it's a personal thing
3 for her. She doesn't use e-cigarettes, but other of her
4 friends do. And so she didn't have strong feelings about the
5 companies or about the parties. It was a personal thing in her
6 own personal life on a health issue.

7 She heard about it in the media. She was very clear she
8 could set aside what she heard about in the media. And I think
9 what she said was in the media several years ago, so it's not
10 like anything very recent.

11 **THE COURT:** Yeah, I remember her.

12 All right. Yeah, I'm going to keep her.

13 24?

14 **MS. WILKINSON:** Yes, Your Honor.

15 This gentleman expressed strong views in his
16 questionnaire. In large part because of his partner. He said
17 she had been smoking for 30 years, had tried to use a vaping
18 device and quit.

19 And then he talked about his deep connection to public
20 schools. Again, a very respected position. But he went to
21 public schools; he works at a public school.

22 And it's the personal connection when it's your
23 spouse/partner, for 30 years you watch them do something that's
24 harming their health.

25 I found in these cases that's where people have a hard

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1 time separating, even when they tell you -- and he kept using
2 the word "disassociate," which is an odd description on
3 separating your feelings. And I just -- I believe that people
4 do that when it's not so personal.

5 I just think he's telling us from the beginning in his
6 questionnaire throughout when he was answering that it is
7 personal to him and he won't be able to set aside the strongly
8 held opinions that he expressed.

9 **THE COURT:** Yeah. I do remember him pretty vividly.
10 I think he's fine, so...

11 And 41 was the other one that you wanted to raise?

12 **MS. LONDON:** Yes, Your Honor. That was from us.

13 But 41 -- 41 was the juror -- he said -- he raised his
14 hand, you know, to every one of the questions that we asked of
15 the panel, including that he's already decided that this is a
16 frivolous lawsuit. You know, he said that it's really parents'
17 responsibility, not Altria.

18 We think, given the totality of those responses to every
19 one of the questions that we asked, in addition to his feelings
20 about it being parents -- and, of course, it's a big risk in
21 this case because we believe Altria will probably insinuate
22 that it's parents' responsibility. And there is no comparative
23 fault in this case. They have set it up that way.

24 So it's the kind of risk that could be very prejudicial to
25 us to have somebody come in with that kind of bias and have